

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUTH JONES-STOTT,

Plaintiff,

CIVIL CASE NO. 04-40263

v.

KEMPER LUMBERMANS MUTUAL  
CASUALTY COMPANY, and HENRY FORD  
HEALTH SYSTEM LONG TERM  
DISABILITY PLAN,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT JUDGE

Defendants.

\_\_\_\_\_ /

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This is a Employee Retirement Income Security Act (EIRSA) action under 29 U.S.C. § 1132. Before the Court are the parties' cross-motions for summary judgment and Magistrate Judge Paul Komives' January 12, 2007 report and recommendation. Magistrate Judge Komives's report and recommendation recommended that the Court conclude that Plaintiff is not entitled to relief and that judgment in favor of Defendants should be entered. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions,

under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Komives’s report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the report and recommendation [docket entry 36] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff’s motion for summary judgment [docket entry 33] is **DENIED**; Defendants’ motion for summary judgment [docket entry 24] is **GRANTED**, to the extent not inconsistent with the report and recommendation.

**SO ORDERED.**

Dated: February 7, 2007

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on February 7, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Craig G. Penrose; Nadia Ragheb, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: \_\_\_\_\_.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845